

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Continue
Implementation and Administration of California
Renewables Portfolio Standard Program.

Rulemaking 08-08-009
(Filed August 21, 2008)

Commerce Energy, Inc.

**MARCH 2009 SEMI-ANNUAL COMPLIANCE REPORT
PURSUANT TO THE CALIFORNIA RENEWABLES
PORTFOLIO STANDARD**

3-Mar-09

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RPS Compliance Report: Summary

Commerce Energy, Inc.	2006
3-Mar-09	

RPS Summary Report	MWh	%
Prior Year California Retail Sales	759,407	
Annual Procurement Target (APT)	7,594	1.0%
California RPS-Eligible Procurement	0	0.0%
Annual Procurement Surplus/(Deficit)	(7,594)	
Adjusted Procurement Percentage*		0.8%

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

RPS Eligible Procurement	MWh	%
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>	0	0.0%
Geothermal	0	0.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
Total RPS Eligible Procurement	0	0.0%

Flexible Compliance	MWh
IPT Deferral	0
Earmarking	5,696
Banked Procurement Applied	0
Total Flexible Compliance	5,696

Deficits and Penalties	2006
Preliminary Procurement (Deficit)	(7,594)
Adjusted Annual Procurement Deficit	(1,899)
Adjusted Deficit Deferred	0
Potential Penalty	\$94,926
Current Penalty (with flexible compliance)	\$94,926

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☐ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-0065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a)(2)(C)(ii).)

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

RPS Compliance Report: Summary

Commerce Energy, Inc.	2007
3-Mar-09	

RPS Summary Report	MWh	%
Prior Year California Retail Sales	721,269	
Annual Procurement Target (APT)	14,807	2.1%
California RPS-Eligible Procurement	22,991	3.2%
Annual Procurement Surplus/(Deficit)	8,184	
Adjusted Procurement Percentage*		2.4%

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

RPS Eligible Procurement	MWh	%
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas	0	0.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>	0	0.0%
Geothermal	22,991	100.0%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
Total RPS Eligible Procurement	22,991	100.0%

Flexible Compliance	MWh
IPT Deferral	0
Earmarking	0
Banked Procurement Applied	0
Total Flexible Compliance	0

Deficits and Penalties	2007
Preliminary Procurement (Deficit)	0
Adjusted Annual Procurement Deficit	0
Adjusted Deficit Deferred	0
Potential Penalty	\$0
Current Penalty (with flexible compliance)	\$0

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☐ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

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[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferral promotes ratepayer interests and RPS objectives, Showing of good cause, Insufficient transmission]

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

RPS Compliance Report: Summary

Commerce Energy, Inc.	2008
3-Mar-09	

RPS Summary Report	MWh	%
Prior Year California Retail Sales	587,240	
Annual Procurement Target (APT)		3.5%
California RPS-Eligible Procurement		0.3%
Annual Procurement Surplus/(Deficit)		
Adjusted Procurement Percentage*		0.3%

* 'Adjusted Procurement Percentage' includes flexible compliance as proposed by the LSE, it is not necessarily used to determine compliance.

RPS Eligible Procurement	MWh	%
Biomass	0	0.0%
Digester Gas	0	0.0%
Biodiesel	0	0.0%
Landfill Gas		100.0%
Muni Solid Waste	0	0.0%
<i>Biopower Subtotal</i>		100.0%
Geothermal		1077.6%
Small Hydro	0	0.0%
Conduit Hydro	0	0.0%
Solar PV	0	0.0%
Solar Thermal	0	0.0%
Wind	0	0.0%
Ocean/Tidal	0	0.0%
Fuel Cells	0	0.0%
Total RPS Eligible Procurement		1177.6%

Flexible Compliance	MWh
IPT Deferral	0
Earmarking	0
Banked Procurement Applied	0
Total Flexible Compliance	0

Deficits and Penalties	2008
Preliminary Procurement (Deficit)	
Adjusted Annual Procurement Deficit	
Adjusted Deficit Deferred	0
Potential Penalty	
Current Penalty (with flexible compliance)	

** Potential Penalty is calculated based on 'Adjusted Annual Procurement Deficit' and may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance.

☐ Check box (x) if LSE is including supplemental materials necessary for a full and complete report (include attachments as needed).

- Any supplemental materials should state each reason asserted in support of deferral or waiver of penalty, consistent with allowable reasons for non-compliance listed below. (D.03-12-065, D.03-06-071, D.06-05-010 and Public Utilities Code Section 399.14(a))

[Insufficient response to RFO, Contracts already executed will provide future deliveries sufficient to satisfy current year deficits, Inadequate public goods funds to cover above-market costs, Seller non-performance, Lack of effective competition, Deferr

- If stating earmarked contracts as a reason for a temporary deferral, make sure contract names and planned energy deliveries match what is listed in Earmarking Detail and Procurement Detail tabs.

RPS Compliance Report: Accounting

Commerce Energy, Inc.
3-Mar-09

Line#	RPS Baseline Calculation	(MWh)
1	2001 Total CA Retail Sales	523,293
2	2001 CA RPS-Eligible Procurement	0
3	2005 Total CA Retail Sales	759,407
4	2005 Baseline Procurement Amount	0

	Input Required
	Forecasted Data
	Actual Data

		Actual					Forecast			
		2003	2004	2005	2006	2007	2008	2009	2010	2011
5	California Retail Sales	N/A	N/A	759,407	721,299	587,240				
6	California RPS-Eligible Procurement	N/A	N/A	0	0	22,991				
7	Annual Procurement Target (APT)	N/A	N/A	0	7,594	14,807				
8	Incremental Procurement Target (IPT)	N/A	N/A	N/A	7,594	7,213				
9	Preliminary Procurement Surplus/(Deficit)	N/A	N/A	0	(7,594)	8,184				
10	APT Percentage	N/A	N/A	N/A	1.0%	2.1%	3.5%	4.7%	20.0%	20.0%
11	Actual Procurement Percentage	N/A	N/A	0.0%	0.0%	3.2%	0.3%	0.0%	0.0%	0.0%
12	Adjusted Procurement Percentage*	N/A	N/A	N/A	0.8%	2.4%	0.3%	0.0%	0.0%	0.0%

		Actual					Forecast			
Flexible Compliance - IPT Deferral		2003	2004	2005	2006	2007	2008	2009	2010	2011
13	Maximum Deficit Eligible for Deferral	N/A	N/A	N/A	7,594	0				
14	Deficit being Carried Forward to Year + 1	N/A	N/A	N/A	0	0	0	0	0	0
15	Deficit being Carried Forward to Year + 2	N/A	N/A	N/A	0	0	0	0	0	0
16	Deficit being Carried Forward to Year + 3	N/A	N/A	N/A	0	0	0	0	0	0
17	Total Current Year Deficit Carried Forward	N/A	N/A	N/A	0	0	0	0	0	0
18	Remaining Deficit from Year - 1 to Be Filled in Current Year	N/A	N/A	N/A	N/A	0	0	0	0	0
19	Remaining Deficit from Year - 2 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	0	0	0	0
20	Remaining Deficit from Year - 3 to Be Filled in Current Year	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
21	Total Prior Year IPT Deficits That Must Be Filled This Year	N/A	N/A	N/A	N/A	0	0	0	0	0
22	Current Year Surplus Procurement Applied to Year - 1 Deficit	N/A	N/A	N/A	N/A	0	0	0	0	0
23	Current Year Surplus Procurement Applied to Year - 2 Deficit	N/A	N/A	N/A	N/A	N/A	0	0	0	0
24	Current Year Surplus Procurement Applied to Year - 3 Deficit	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
25	Total Deliveries Applied to Prior Year IPT Deficits	N/A	N/A	N/A	N/A	0	0	0	0	0

		Actual						Forecast			
	Flexible Compliance - Earmarking	2003	2004	2005	2006	2007	2008	2009	2010	2011	
26	Portion of Current Year Deficit Eligible for Earmarking	N/A	N/A	N/A	5,696	0					
27	Future Year Deliveries Earmarked from Year + 1	N/A	N/A	N/A	5,696	0	0	0	0	0	
28	Future Year Deliveries Earmarked from Year + 2	N/A	N/A	N/A	0	0	0	0	0	0	
29	Future Year Deliveries Earmarked from Year + 3	N/A	N/A	N/A	0	0	0	0	0	0	
30	Total Projected Procurement Earmarked to Current Year	N/A	N/A	N/A	5,696	0	0	0	0	0	
31	Current Year Deliveries Earmarked to Year - 1	N/A	N/A	N/A	N/A	5,696	0	0	0	0	
32	Current Year Deliveries Earmarked to Year - 2	N/A	N/A	N/A	N/A	N/A	0	0	0	0	
33	Current Year Deliveries Earmarked to Year - 3	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0	
34	Total Deliveries Earmarked to Prior Year Earmarked Deficits	N/A	N/A	N/A	N/A	(5,696)	0	0	0	0	

		Actual					Forecast			
Surplus Procurement Bank		2003	2004	2005	2006	2007	2008	2009	2010	2011
35	Surplus Procurement Bank Balance as of Prior Year	N/A	N/A	0	0	0				
36	Application of Banked Surplus Procurement to Current Year Deficit	N/A	N/A							
37	Adjusted Current Year Annual Surplus Procurement	N/A	N/A	0	0	2,489				
38	Cumulative Surplus Procurement Bank Balance	N/A	N/A	0	0	2,489				

		Actual					Forecast			
	Adjusted Deficit	2003	2004	2005	2006	2007	2008	2009	2010	2011
39	Adjusted Annual Procurement Deficit	N/A	N/A	N/A	(1,899)	0				
40	Adjusted Deficit Deferred	N/A	N/A	N/A	0	0	0	0	0	0
41	Potential Penalty	N/A	N/A	N/A	\$94,926	\$0				
42	Current Penalty (with flexible compliance)	N/A	N/A	N/A	\$94,926	\$0				

Potential Penalty may be deferred or waived if LSE provides allowable reasons and/or uses flexible compliance

RPS Compliance Report: Earmarking Detail

Input Required
Forecasted Data
Actual Data

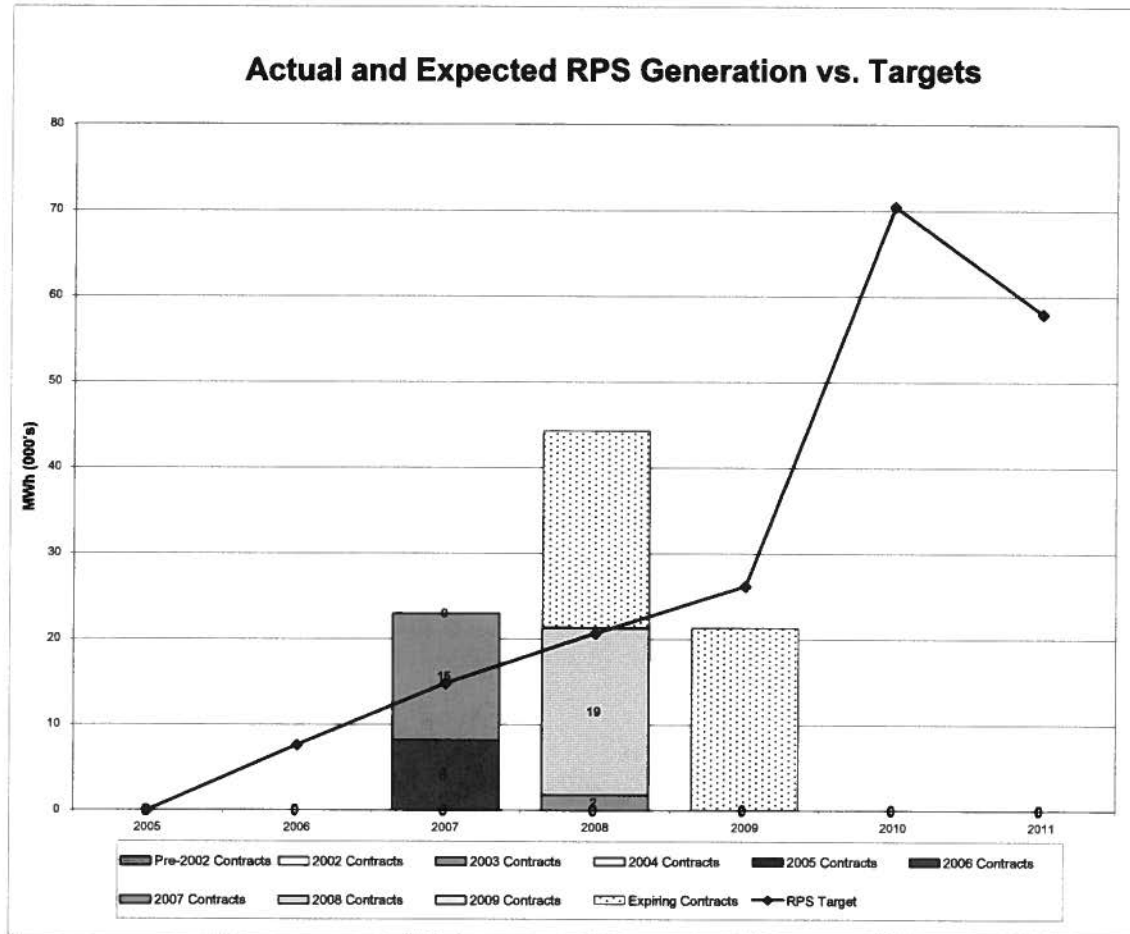
Commerce Energy, Inc.
3-Mar-09

Total Annual Earmarked Generation (MWh)		Actual				Forecast		
		2005	2006	2007	2008	2009	2010	2011
	Contracted Generation	0	0	5,696	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	5,696	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
Calpine Geothermal Unit 20 (RPS Certif. #80009A) Eligible for 2008 deficit	Contracted Generation	0	0	5,696	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	5,696	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
	Contracted Generation	0	0	0	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
	Contracted Generation	0	0	0	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
	Contracted Generation	0	0	0	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
Contract Name Eligible for [YEAR] deficit	Contracted Generation	0	0	0	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
	Contracted Generation	0	0	0	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
	Contracted Generation	0	0	0	0	0	0	0
	Withdrawal from Current Year	0	0	0	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0
	Contracted Generation	0	0	0	0	0	0	0
Contract Name Eligible for [YEAR] deficit	Withdrawal from Current Year	0	0	0	0	0	0	0
	Allocated to Year - 1	N/A	N/A	0	0	0	0	0
	Allocated to Year - 2	N/A	N/A	N/A	0	0	0	0
	Allocated to Year - 3	N/A	N/A	N/A	N/A	0	0	0

RPS Compliance Report: Performance Chart

Commerce Energy, Inc.
3-Mar-09

	Actual MWh						Forecast MWh			
RPS Procurement and Targets (MWh)	2003	2004	2005	2006	2007	2008	2009	2010	2011	
Total Retail Sales	N/A	N/A	759,407	721,269	587,240					
Actual RPS Procurement %	N/A	N/A	0.0%	0.0%	3.2%	0.3%	0.0%	0.0%	0.0%	
IPT	N/A	N/A	N/A	7,594	7,213					
APT % (Baseline for 2003)	N/A	N/A	N/A	1.0%	2.1%	3.5%	4.7%	20.0%	20.0%	
APT as MWh Amount	N/A	N/A	0	7,594	14,807					
Preliminary Surplus/(Deficit)	N/A	N/A	0	(7,594)	8,184					

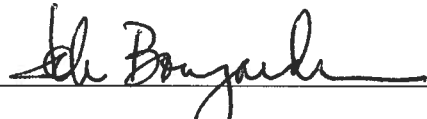


OFFICER VERIFICATION FORM

I am an officer of the reporting corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to matters which are therein stated on information or belief, and as to those matters I believe them to be true. The spreadsheet format used to file this compliance report has not ~~been~~ been altered from the version issued or approved by Energy Division ~~to~~ with the alterations described in this report].

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2009 at Costa Mesa, California.

A handwritten signature in black ink, appearing to read "John Bomgardner", is written over a horizontal line.

John Bomgardner, Senior Vice President and General Counsel